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LEGISLATIVE HISTORY

Public Law 86-684

S. 68

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Index and Summary of S. 68

Jan. 9, 1959	Sen. Anderson introduced S. 68 which was referred to the Senate Interior and Insular Affairs Committee. Print of bill as introduced.
Feb. 1, 1960	Senate subcommittee voted to report S. 68.
Feb. 23, 1960	Senate committee voted to Report (but did not actually report) S. 68.
Feb. 24, 1960	Senate committee reported with amendment S. 68. S. Rept. 1131. Print of bill and report.
Mar. 28, 1960	Senate passed S. 68 as reported.
Mar. 29, 1960	S. 68 was referred to the House Interior and Insular Affairs Committee.
June 29, 1960	House committee voted to report (but did not actually report) S. 68.
June 30, 1960	House committee reported S. 68 without amendment. H. Rept. 2055. Print of bill and report.
Aug. 23, 1960	House passed S. 68 without amendment.
Sept. 2, 1960	Approved: Public Law 86-684.

DIGEST OF PUBLIC LAW 86-684

DELIVERY OF WATER UNDER RECLAMATION LAWS. Provides for continued delivery of water under the Federal reclamation laws to lands held by a husband and wife upon the death of either (under present law the surviving spouse can receive project water for the combined ownership temporarily for a 5-year period).

S. 68

IN THE SENATE OF THE UNITED STATES

JANUARY 9 (legislative day, JANUARY 8), 1959

Mr. ANDERSON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where the death of a husband or wife causes lands in
4 private ownership to become excess lands, as that term is
5 used in section 46 of the Act of May 25, 1926 (44 Stat.
6 636; 43 U.S.C. 423e), and those lands had theretofore been
7 eligible to receive water from a project under the Federal
8 reclamation laws (Act of June 17, 1902 (32 Stat. 388), and
9 Acts amendatory thereto) without execution of a recordable
10 contract under section 46 of said Act of May 25, 1926, the

- 1 Secretary of the Interior is authorized to furnish water to
2 them, without requiring execution of such a contract, so long
3 as they remain in the ownership of the surviving spouse.

86TH CONGRESS
1ST SESSION

S. 68

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

By Mr. ANDERSON

JANUARY 9 (legislative day, JANUARY 8), 1959
Read twice and referred to the Committee on Interior
and Insular Affairs

86TH CONGRESS
1ST SESSION

H. R. 1777

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1959

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where the death of a husband or wife causes lands in
4 private ownership to become excess lands, as that term is
5 used in section 46 of the Act of May 25, 1926 (44 Stat. 636;
6 43 U.S.C. 423e), and those lands had theretofore been eligi-
7 ble to receive water from a project under the Federal recla-
8 mation laws (Act of June 17, 1902, 32 Stat. 388, and Acts
9 amendatory thereof or supplementary thereto) without
10 execution of a recordable contract under section 46 of said

1 Act of May 25, 1926, and had been so receiving water, the
2 Secretary of the Interior is authorized to continue to furnish
3 water to them, without requiring execution of such a contract,
4 so long as they remain in the ownership of the surviving
5 spouse.

80TH CONGRESS
1ST SESSION

H. R. 1777

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

By Mr. ASPINALL

JANUARY 9, 1959

Referred to the Committee on Interior and Insular
Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Sen. Proxmire criticized administration farm policies. Sen. Williams, Del., introduced and discussed bill to prevent application of milk marketing orders in Delaware and Maryland.

SENATE

1. FARM PROGRAM. Sen. Proxmire criticized the administration's farm policies, stated that "the Department of Agriculture has sent me an analysis of President Eisenhower's farm proposals which show that the administration recommendations would during the next 4 years: increase farm output; sharply reduce farm prices; and significantly drop total farm cash receipts," contended that "the Department analysis would anticipate, under the Eisenhower proposals, a drop of from 10 percent to 12 percent in farm prices during the period," and inserted the analysis received from this Department. pp. 1499-1505
2. LANDS; MINERALS. Both Houses received from Interior a proposed bill "to amend the law relating to mining leases on tribal Indian lands and Federal lands within Indian reservations"; to Interior and Insular Affairs Committees. pp. 1477, 1541

3. RECLAMATION. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee the following bills: p. D60

S. 68, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

S. J. Res. 150, to permit the Secretary of the Interior to continue to deliver water to lands in the 3d division, Riverton Federal Reclamation project, Wyo.

4. FOREIGN AID. Sen. Byrd, W. Va., and others, criticized administration of the foreign aid program, and Sen. Byrd urged greater Federal aid for needy persons in the U. S. pp. 1521-9

5. AGRICULTURAL AWARDS. Sen. Russell inserted articles from the Progressive Farmer magazine announcing its choices for Agriculture's Men of the Year Awards in Ga., Fla., and Ala., including the selections of Phil Campbell, Georgia Commissioner of Agriculture, and Frank Holland, manager of the Florida Agricultural Research Institute. pp. 1498-9

6. NATURAL RESOURCES. Sen. Church inserted a resolution received from the Idaho State Intertribal Council favoring the enactment of S. 812, to provide for the establishment of a Youth Conservation Corps to assist in the development and conservation of natural resources. p. 1478

7. PERSONNEL. Sen. Byrd, Va., inserted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on Federal employment and pay for Dec. 1959. pp. 1478-82

HOUSE

8. FARM CREDIT. Both Houses received a letter from the Farm Credit Administration transmitting a draft of proposed legislation to amend the Farm Credit Act of 1933 to provide for increased representation by the regional banks for co-operatives on the Board of Directors of the Central Bank for Cooperatives; to H. Agriculture and S. Agriculture and Forestry Committees. pp. 1541, 1477

9. ATOMIC ENERGY. Both Houses received the annual report of the Atomic Energy Commission for 1959. pp. 1541, 1478

10. VETERAN REEMPLOYMENT. A subcommittee of Armed Services Committee voted to report to the full committee H. R. 5040 amending and clarifying reemployment provisions of the Universal Military Training and Service Act. p. D61

11. HEALTH. Both Houses received a letter from the Dept. of Health, Education, and Welfare transmitting a draft of proposed legislation to authorize grants-in-aid to universities, hospitals, laboratories, and other nonprofit institutions to strengthen their programs of research and research training in sciences related to health; to S. Labor and Public Welfare and H. Interstate and Foreign Commerce Committees. pp. 1478, 1541

12. LEGISLATIVE PROGRAM. Rep. McCormack stated that the legislative program announced for Mon. (see Digest No. 15) would be postponed until Tues. p. 1536

The "Daily Digest" states that "The Lincoln Day recess period will be from the close of business on Wed., Feb. 10 through Sun., Feb. 14," and that "The Easter Holiday recess period will begin at the close of business on Thur., April 14, through Mon., April. 18." p. D61

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: House passed the Treasury-Post Office appropriation bill. Sen. Javits and others introduced and Sen. Javits discussed the conflict-of-interests bill.

SENATE

1. SPECIAL MILK PROGRAM. As reported by the Agriculture and Forestry Committee (see Digest 28), H. R. 9331 increases by \$4 million (to \$85 million) for the fiscal year 1960, and by \$11 million (to \$95 million) for the fiscal year 1961, and authorizes \$95 million for each fiscal year thereafter, the maximum amount of CCC funds which may be used for the special milk program. As passed by the House the bill would have authorized \$85 million (CCC funds) for fiscal years 1960 and 1961, and would have authorized the appropriation of not to exceed \$15 million, in addition to the amounts made available from CCC, as may have been deemed necessary for the fiscal year 1961.
2. LANDS. The Interior and Insular Affairs Committee reported with amendments S. 2878, to authorize the Secretary of the Interior to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation, N. Mex.

(including certain submarginal lands previously transferred from this Department to Interior) (S. Rept. 1125). p. 2888

3. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following bills: p. D134
S. 68, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.
S. J. Res. 150, to permit the Secretary of the Interior to continue to deliver water to lands in the 3d division, Riverton Federal Reclamation project, Wyo.
4. AIR POLLUTION CONTROL. Both Houses received from HEW a proposed bill "to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law"; to H. Interstate and Foreign Commerce and S. Public Works Committees. pp. 2885, 3033
5. PERSONNEL; CONFLICT-OF-INTEREST. Sen. Proxmire inserted a newspaper article summarizing and commenting on the recommendations of a special committee of the Association of the Bar of the City of New York to revise the laws relative to conflict of interest of Federal employees. pp. 2905-7
6. INFORMATION; RESEARCH. Agreed, by a vote of 76 to 14, to a resolution of ratification of the agreement on the importation of educational, scientific, and cultural materials (including the free importation of certain books, publications and documents, and scientific instruments or apparatus). pp. 2927-45
7. LEGISLATIVE PROGRAM. Sen. Johnson announced that there will be late sessions this week, and possible "round-the-clock" sessions beginning next week, in order to dispose of pending civil rights legislation. pp. 2955-9

HOUSE

8. APPROPRIATIONS. Passed, with an amendment, H. R. 10569, the Treasury and Post Office appropriation bill for 1961. pp. 3001-23
Agreed to an amendment by Rep. Gross prohibiting the use of appropriations in this bill for the purpose of supporting or defeating any legislation proposed or pending before Congress. pp. 3022-3
9. WATER POLLUTION. Received the President's veto message on H. R. 3610, to increase Federal grants for construction of sewage treatment works and to establish the Office of Water Pollution Control (H. Doc. 346). pp. 2993-4
Rep. Albert stated that the vote to override the President's veto would be taken on Thur., Feb. 25. p. 2995
10. INTEREST RATES. Agreed to a request of Rep. Mills to allow the Ways and Means Committee until midnight Mon., Feb. 29, to file a report on H. R. 10590, relating to interest rate restrictions on U. S. bonds. This bill would allow the Secretary of the Treasury to increase interest rates on long-term bonds, in excess of 4½ percent, upon a finding by the President that the national interest so requires. pp. 2994-5
11. FOREIGN AFFAIRS. Rep. Wolf commented on the "people-to-people" program in foreign relations and called special attention to the results of an American sponsored program for the establishment of a hog breeding industry in one city in Japan. pp. 3027-9

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued February 25, 1960
For actions of February 24, 1960
86th-2d, No. 32

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HIGHLIGHTS: Sen. Goldwater urged increased sugar quota for Mexico and reduction for Cuba. Sen. Ellender introduced bill to continue authority to exempt certain poultry inspection plants.

SENATE

1. ACREAGE ALLOTMENTS. Received from this Department a proposed bill to amend the Agricultural Adjustment Act of 1938 so as to provide specific authority for charging farmers for remeasurements of acreage allotments; to Agriculture and Forestry Committee. p. 3038
2. RECLAMATION. The Interior and Insular Affairs Committee reported the following bills: p. 3042
S. 68, with amendment, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either (S. Rept. 1131).
S. J. Res. 150, with amendment, to permit the Secretary of the Interior to continue to deliver water to lands in the 3d division, Riverton Federal Reclamation project, Wyo. (S. Rept. 1132).
3. TARIFF RATES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) without amendment S. 3005, to lengthen the time by which the Federal Maritime Board may suspend tariff schedules. p. D140
4. TRANSPORTATION RATES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) with amendment S. 2452, to establish a

joint board and to permit the filing of through routes and joint rates for carriers serving Alaska, Hawaii, and other States. p. D140

5. MARKETING. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) with amendment S. 1283, to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use. p. D140
6. SUGAR. Sen. Goldwater criticized recent actions of the Cuban government, commended our relations with Mexico, and urged that the sugar quota for Mexico and other friendly Latin American countries be increased, and that the sugar quota for Cuba be decreased. pp. 3047-8
7. TEXTILE IMPORTS. Several Senators expressed concern over the effects of the imports of foreign textile products on our domestic industry, and urged stricter control over such imports. Sens. Ervin and Thurmond contended that under our cotton export program the U. S. was selling cotton to foreign countries at a lower price than the American textile industry could buy it. Sen. Russell stated that "Congress will be derelict in its responsibility to the American people if we do not compel the State Department and the other agencies of Government to take some action to assure the survival of what is left of our textile industry." pp. 3057-8
8. ADVISORY COMMITTEES. Received from the Comptroller General a report on the review of operation and administration of Public Advisory Committees of this Department. p. 3038
9. SALINE WATER. Received from the Secretary of the Interior a report on the operations of that Department during 1959 under the Saline Water Act of 1952. p. 3038
10. FARM PROGRAM. Sen. Goldwater inserted resolutions adopted by the American National Cattlemen's Association favoring a balanced budget, State control of water rights, restrictions on meat imports, continuation of meat inspection, Federal cooperation in the eradication of brucellosis and screwworm, increased research on animal disease control and leptospirosis, improved standards for beef grading, improvement of ranges on public lands, increased research for the improvement of beef quality, and opposing elimination of the practice of "direct buying and/or pencil shrink in connection with the sale of cattle and calves," legislation which would jeopardize any channel of livestock marketing, and extension of the Great Plains program. pp. 3038-41
11. COMMERCE AND RELATED AGENCIES APPROPRIATION BILL, 1961. In reporting this bill, H. R. 10234 (see Digest 30), the report of the Appropriations Committee includes the following statements:

Bureau of Public Roads

*** "Forest highways and public lands highways. The committee concurs with the House in refusing to recommend appropriation of funds for these two objectives in accordance with the budget request 'to be derived from the highway trust fund.'

"The budget requests for 3 fiscal years (1959, 1960, and 1961) have not been submitted in accordance with existing law. This committee has twice been presented (1960 and 1961 estimates) with the alternatives of recommending appropriations not authorized by law or increasing the budget by making an appropriation from the general fund.

PROVIDING FOR CONTINUED DELIVERY OF WATER UNDER THE
FEDERAL RECLAMATION LAWS TO LANDS HELD BY HUSBAND
AND WIFE UPON THE DEATH OF EITHER

FEBRUARY 24 (legislative day, FEBRUARY 15), 1960.—Ordered to be printed

Mr. ANDERSON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 68]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 68) to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

TEXT OF S. 68

The text of S. 68, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse.

Provided, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.

PURPOSE OF THE BILL

The purpose of S. 68 is to permit, notwithstanding the acreages limitation provisions of the reclamation law, the continued delivery of irrigation water to lands held by a husband and wife upon the death of either. The bill would prevent the breaking up of what had been developed into a single farming operation under irrigation. The bill, if enacted into law, would apply in relatively few instances but would avert hardships whenever it became applicable.

The amendinent recommended by the Department of the Interior, in offering no objection to the enactment of the bill, and reported by the committee, provides that the acreage limitation provisions of reclamation law shall apply in the event of the remarriage of the surviving spouse.

COMMENTS OF EXECUTIVE AGENCIES

The comments of the Department of the Interior and the Bureau of the Budget are as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1959.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR SENATOR MURRAY: This responds to your request for the views of this Department on S. 68, a bill to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

This Department would not object to the enactment of the bill if it is amended in the manner indicated herein.

If S. 68 is enacted, upon the death of either husband or wife, the surviving spouse would be permitted to retain in a nonexcess status and to receive reclamation project water for the same irrigable acreage that had theretofore been held by the husband and wife in a nonexcess status under the provisions of section 46 of the act of May 25, 1926 (44 Stat. 649), and been eligible to receive project irrigation water.

Under the provisions of the act of July 11, 1956 (70 Stat. 524), lands acquired by interitance or devise are eligible to receive project water during a 5-year period, even though they would otherwise be excess lands under the provisions of said section 46 of the act of May 25, 1926. Thus, the effect of the enactment of S. 68 would be to extend the provisions of the act of July 11, 1956, in those cases where lands may be acquired by a surviving spouse upon the death of a husband or wife.

It would seem that the provisions of S. 68 would find application in a relatively small number of cases. There probably would be few instances where a surviving husband or wife would hold, for a period in excess of 5 years, more than 160 acres of reclamation project land which had been previously owned by both the husband and wife, because of the age of the surviving spouse, among other reasons. In view of these considerations, we believe there may be some merit in not requiring a breaking up of what most likely had been developed

as a single farming operation in those cases to which the provisions of the bill would apply.

However, it is our view that, if legislation along the lines of S. 68 is enacted, its provisions should not remain applicable if the surviving spouse should remarry. Existing reclamation law would then apply, under which normally the husband and wife could hold not to exceed 320 acres of irrigable land eligible to receive project water. Accordingly, we recommend that the bill be amended by substituting a colon for the period in line 3 on page 2 and adding the following: "Provided, That in the event of the remarriage of the surviving spouse such lands shall be governed by applicable law without regard to the provisions of this Act."

The Bureau of the Budget has advised that there would be no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 23, 1959.

HON. JAMES E. MURRAY,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letter of January 19, 1959, requesting the views of the Bureau of the Budget on S. 68, a bill to provide for continued delivery of water under Federal reclamation laws to lands held by husband and wife upon the death of either.

This bill, if enacted, would authorize the Secretary of the Interior to continue the delivery of water under Federal reclamation laws to lands held by husband and wife upon the death of either. The surviving spouse would be eligible to receive project water for the same irrigable acreage as previously held by the husband and wife in a non-excess status.

The Department of the Interior, in a report proposed for transmittal to your committee, recommends that the bill be amended to include a provision that, in the event of remarriage of the surviving spouse, existing reclamation law would then apply, under which the husband and wife could hold not to exceed 320 acres of irrigable land eligible to receive project water.

The Bureau of the Budget would have no objection to enactment of this legislation as recommended by the Department of the Interior.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.



Calendar No. 1172

86TH CONGRESS
2D SESSION

S. 68

[Report No. 1131]

IN THE SENATE OF THE UNITED STATES

JANUARY 9 (legislative day, JANUARY 8), 1959

Mr. ANDERSON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

FEBRUARY 24 (legislative day, FEBRUARY 15), 1960

Reported by Mr. ANDERSON, with an amendment

[Insert the part printed in italic]

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where the death of a husband or wife causes lands in
4 private ownership to become excess lands, as that term is
5 used in section 46 of the Act of May 25, 1926 (44 Stat.
6 636; 43 U.S.C. 423e), and those lands had theretofore been
7 eligible to receive water from a project under the Federal
8 reclamation laws (Act of June 17, 1902 (32 Stat. 388), and
9 Acts amendatory thereto) without execution of a recordable
10 contract under section 46 of said Act of May 25, 1926, the

1 Secretary of the Interior is authorized to furnish water to
 2 them, without requiring execution of such a contract, so long
 3 as they remain in the ownership of the surviving spouse:
 4 *Provided, That in the event of the remarriage of the surviv-*
 5 *ing spouse, such lands shall be governed by applicable law*
 6 *without regard to the provisions of this Act.*

86TH CONGRESS
 2D SESSION

S. 68

[Report No. 1131]

A BILL

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

By Mr. ANDERSON

JANUARY 9 (legislative day, JANUARY 8), 1959
 Read twice and referred to the Committee on Interior
 and Insular Affairs

FEBRUARY 24 (legislative day, FEBRUARY 15), 1960
 Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Senate committee reported (on Mar. 25) Interior appropriation bill. House passed general Government matters appropriation bill. House committee reported (on Mar. 25) Labor-HEW appropriation bill. Senate passed bill to require rice marketing quotas when supply exceeds normal supply.

HOUSE

1. APPROPRIATIONS. Passed without amendment H. R. 11389, the general Government matters appropriation bill for 1961, making appropriations for the Executive Office of the President and sundry Government agencies. (pp. 6093-107) The Appropriations Committee had reported this bill without amendment on March 25 (H. Rept. 1427). (p. 6115)
The Appropriations Committee reported, on March 25, without amendment H. R. 11390, the Departments of Labor, and Health, Education, and Welfare appropriation bill for 1961 (H. Rept. 1428). (p. 6115) The "Daily Digest" states that this will be acted on by the House on Tues., Mar. 29. (p. D241)
2. FOOD. Rep. Adair commended a film, "Tomorrow's Foodpower," which he calls "interesting and colorful" and a film that "points up the problems which our growing population will create with respect to the production of food in the coming years." pp. 6085-6
3. FARM PROGRAM. Rep. Whitten inserted a statement by a high school student which gives "thought and consideration to farm people, the bulwarks of our Nation." pp. 6110-1

Senate - March 28, 1961

4. TRANSPORTATION. Received a memorial from the Legislature of Alaska requesting "consideration" of "the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from and within the newly created State of Alaska." p. 6116
5. WATER; LANDS. Received a memorial from the Legislature of South Carolina asking cancellation of plans "for construction of new dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority." p. 6116
6. INSPECTION. Received a memorial from the Legislature of the State of Arizona requesting appropriation of "sufficient funds for the purpose of maintaining 24 hours a day, the compound on the international border at Lukeville, Ariz." p. 6116
7. MEAT; DAIRY PRODUCTS. Received two petitions from the Goshen Grange No. 856, Whatcom County, Wash., "recommending legislation be enacted requiring all meat imported, to be sold at retail counters in competition with meat produced in this country, be plainly labeled as imported meat, and requesting action be taken by the Congress to prevent removal of import restrictions on dairy products." p. 6117

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8. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1961. The Appropriations Committee reported (on Fri., Mar. 25) with amendments this bill, H. R. 10401, which includes items for the Forest Service, saline water research, the Outdoor Recreation Resources Review Commission, and the Virgin Islands Corporation (S. Rept. 1203) (p. 6118). At the end of this Digest is a table showing the Forest Service items, and excerpts from the committee report.
9. RICE MARKETING QUOTAS. Passed without amendment H. R. 7889, to require marketing quotas for rice when the total supply of rice exceeds the normal supply (under present law marketing quotas go into effect when the normal supply is exceeded by 10 percent). This bill will now be sent to the President. p. 6167
10. ACREAGE ALLOTMENTS. Passed as reported H. R. 8343, to require the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain so long as the land remains leased to the former owners of the land. pp. 6167-8
11. WHEAT. Passed as reported H. R. 4874, to provide that farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty. p. 6168
12. RECLAMATION. Passed as reported S. 68, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either. pp. 6174-5
Passed as reported S. J. Res. 150, to permit the Secretary of the Interior to continue to deliver water to lands in the 3rd division, Riverton Federal Reclamation project, Wyo. p. 6175

tional facilities, for the use of tribal members. The tribe does not want to undertake the improvements until the title issue is resolved. The tribe has agreed to accept this donation of land in taxable status and without restrictions as to use or management.

The federally owned land is located near Crownpoint, N. Mex., where the Indian Bureau subagency serves approximately 20,000 Navajos residing in an area of approximately 900 square miles. The community has experienced a problem of accommodating the Navajos who travel long distances to visit the subagency. The Navajo Tribe has appropriated approximately \$40,000 for the construction of additional improvements such as a meeting place, laundry facilities, sewingroom, recreational area, and overnight accommodations to meet the shortage of accommodations in the Crownpoint community.

Because of the obvious Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians, I approve of the passage of the bill.

The PRESIDING OFFICER. The Chair was under the mistaken impression that the Senator from Oregon had previously submitted the insertion he had in mind.

Mr. MORSE. That is perfectly all right, Mr. President.

BILL PASSED OVER

The bill (S. 2878) to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes, was announced as next in order.

Mr. PROUTY. Over.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which makes clear that the bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2878 provides for the conveyance in fee simple certain federally owned lands in New Mexico, excluding mineral rights, to the Navajo Indians. In addition, the bill would adjust and simplify the administration of certain other federally owned lands located in the same area which is near Gallup, N. Mex.

Approximately 30 years ago the Federal Government purchased some 70,000 acres of so-called submarginal lands in the Gallup area and administered the land for the Navajo Indians. About 4 years later, 80,887 acres of railroad grant lands in the same area were reconveyed to the United States and were subsequently administered for the benefit of the Navajos. According to the committee report, the Government contemplated setting aside the lands for permanent use by the Navajos by legislation.

There are approximately 103,239 acres of public domain land in this same area presently used and occupied by the Navajos, that would be affected by the bill. The 103,239 acres are intermingled with Indianlands, being administered by the Bureau of Indian Affairs, or with submarginal and reconveyed railroad grant lands being administered by the Bureau of Land Management and the Forest Service for the benefit of the Indians. The bill seeks to eliminate the confusing

and intermingled jurisdiction of these three agencies.

S. 2827 provides an opportunity for the administering agencies to initiate a program of sound land use management and stabilize the land use and security of tenure for resident users. In addition, the legislation would give tribal status to lands that have been held for that purpose.

These lands are presently being used by the Indians and the three Government agencies have no effective means to control the use. According to the Department of the Interior which requested this legislation, continued Federal ownership of these lands will serve no useful public purpose.

I think the committee report and the communications it contains from the Department of the Interior make clear that the public interest would be benefited by better conservation practices as the transfers would permit both the tribe and the Bureau of Land Management to institute a comprehensive management program for all the lands in the area.

Because of the Government's intention to set aside the lands for permanent use by the Navajos and because of the Federal interest involved, I have no objection to the passage of this bill.

The PRESIDING OFFICER. The bill will be passed over.

GRANTING OF 81 ACRES OF PUBLIC DOMAIN TO THE COCOPAH INDIANS IN ARIZONA

The bill (S. 2962) to grant 81 acres of public domain to the Cocopah Indians in Arizona, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that the bill conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

The purpose of S. 2962 is to place in trust 81 acres of land in Arizona for the Cocopah Indians.

The Cocopah Tribe occupies land set aside for them by Executive order in 1917. They lived on the land in the belief it was included within the original reservation. Recently the Solicitor, Department of the Interior, concluded that the lands in question were not part of the reservation.

Since the Indians were using the land and living on it in the belief it was included in the original reservation set aside for them in 1917, I believe there is a Federal interest involved in making the acreage a part of the existing reservation, and that the proposed transfer has a close relationship to the Nation's guardianship responsibilities relative to the Indians.

I have no objection to the transfer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2962) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of right, title, and interest in the following described public domain are hereby declared to be held by the United States in trust for the Cocopah Indians in Arizona, subject to

any valid existing rights heretofore initiated under the public land laws: lots 14 and 15, section 30, township 9 south, range 24 west; and lots 3, 4, and 5, section 25, township 9 south, range 25 west, Gila and Salt River meridian, Arizona, containing 81.64 acres.

DONATION OF CERTAIN LAND TO THE KEWEENAW BAY INDIAN TRIBE

The bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill does not violate the Morse formula.

While saying that, I wish to extend to the distinguished junior Senator from New Mexico [Mr. ANDERSON] my very deep appreciation for the wonderful cooperation he has always extended to the Senator from Oregon in respect to the proposition of requiring in the transfer of Federal lands a reasonable return to the Federal Government. The junior Senator from New Mexico is one of the most ardent supporters of this doctrine in the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2804 would authorize the donation of 0.34 acre of land, together with the buildings and improvements thereon, to the Keweenaw Bay Indian Tribe, L'Anse Reservation, Mich. The land and buildings would be held in trust for the tribe.

The land was acquired by the United States for use in connection with the Indian CCC program on the reservation. Since 1942, the garage-office building on the land has been used by the Indians for storage purposes. According to the Committee report, the appraised value of the land and building is less than \$1,000. The Indian Bureau has no plans for further use of the building. The tribe desires to improve the building which is adjacent to the land now owned by the tribe but does not desire to do so unless it can get title to the building and land.

Because of the Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians I have no objection to the enactment of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2804) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28

thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence last 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acre more or less.

SALE OF CERTAIN TRIBAL LAND OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, WISCONSIN

The bill (H.R. 6136) to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill, too, conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 6136 authorizes the Lac du Flambeau Band of Lake Superior Chippewa Indians to sell any tribal trust land or interest therein for the purpose of perfecting land titles and resolving conflicts or disputes in boundaries caused by erroneous surveys dating back to the 1860's. Approval of each transaction by the Secretary of the Interior will be required and sales must be at the fair market value.

The purpose of the bill is to provide the means of resolving ownership controversies between the band and individuals. Therefore, I have no objection to its enactment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

HOLDING IN TRUST OF CERTAIN REAL PROPERTY FOR MEMBERS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE OF INDIANS

The bill (H.R. 24) to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev., was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared which shows that this bill, too, is not inconsistent with the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 24 provides that all right, title, and interest of the United States in 160 acres lying within the Fort McDermitt Indian Reservation, Nev., shall be held in trust by the Federal Government for the use and benefit of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation.

The land was originally set aside as the Fort McDermitt Military Reservation, and was later transferred to the Secretary of the

Interior. For a period of 50 years the land in question was used in connection with an Indian boarding school. According to the committee report, the land and school building have an estimated value of \$11,400, and have been declared surplus to the needs of the Bureau of Indian Affairs. It is anticipated that the Indians will use the land for grazing and ranching purposes and the improvements for a recreation center.

Since the proposed gift to the tribe would be in keeping with the earlier action in setting the land aside for the use of the Indians and because of the Federal interest involved, the bill conforms with the Morse formula.

The bill carries out one of the guardianship responsibilities of the Federal Government with respect to the Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

RECONVEYANCE OF CERTAIN TRIBAL LANDS TO ORIGINAL ALLOTTEES

The Senate proceeded to consider the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, prior to the passage of Senate bill 2877, a statement showing that the bill does not violate the Morse formula in regard to the transfer of Federal property.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MORSE

S. 2877 authorizes the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

The Muckleshoot Tribe after accepting the Indian Reorganization Act of 1934 embarked on a land use and consolidation program. At the time the tribe owned no tribal lands. One of the basic features of the program was the conveyance of allotted lands to the United States in trust for the tribe, in exchange for land assignments by the tribe to the grantors of other members designated by the grantors.

In June 1958, the Muckleshoot Reservation consisted of 2,117.5 acres of Indian-owned land, approximately 344 acres of which were in tribal ownership. Title to all of these tribal lands was acquired by the tribe from original allottees, or their heirs, devisees, or assigns, in exchange for land assignments in connection with the use and consolidation program initiated by the tribe. These conveyances were made with the understanding that the remainder of the allotted lands would also be conveyed to the tribe as a part of the program. The consolidation program was abandoned after a few of the Indian landowners had actually made conveyances.

The grantors received assignments covering all or a portion of the lands which they conveyed to the tribe. Consequently, the rights they conveyed to the tribe were greater than the rights they received in exchange therefor. They gave up a fee title for a right to use and occupy.

The Muckleshoot Tribal Council makes no claim of ownership of these lands and per-

mits the heirs or the assignees to have full leasing responsibilities. The Council also recommends that the tribal lands be reconveyed to the original allottees or heirs.

I have no objection to the passage of the bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2877) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners, or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

DELIVERY OF WATER UNDER FEDERAL RECLAMATION LAWS

The Senate proceeded to consider the bill (S. 68) to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, line 3, after the word "spouse", to insert a colon and "Provided, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.", so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.**

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. ANDERSON. Mr. President, the report sets forth that if a family owns a certain piece of ground, the present situation is that not more than 160 acres of the land in a Federal irrigation project can be served with water. However, in a community-property State the ruling is that both the husband and the wife may each own 160 acres of such land.

This bill provides that in case either the husband or the wife dies, the sur-

viving spouse will not be compelled to sell the additional 160 acres immediately, but may retain it for a suitable length of time.

The bill was carefully considered, because such problems frequently arise in community-property States which also are irrigation land States.

Mr. MORSE. In other words, under the policy now proposed, each spouse would be entitled to have water served to 160 acres; and if one of the spouses dies, this bill, if it is enacted, will permit the surviving spouse to continue to protect the land by continuing to obtain water for the total of 320 acres. What is the time provision, if any, in regard to when the additional 160 acres would have to be disposed of?

Mr. ANDERSON. At the time of remarriage. In case a widow who was in such a situation remarried, and if her second husband also had 160 acres, the total then under the control of the husband and wife would be 480 acres. This bill would compel them to sell the extra 160 acres, in order to return to a total holding of 320 acres.

Mr. MORSE. I thank the Senator from New Mexico.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Interior and Insular Affairs.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELIVERY OF WATER TO LANDS IN THE THIRD DIVISION, RIVERTON FEDERAL RECLAMATION PROJECT, WYOMING

The joint resolution (S.J. Res. 150) permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of a repayment contract the Secretary of the Interior is authorized to continue to deliver water to the lands in the Third Division, Riverton Federal reclamation project, Wyoming, during the calendar years 1960 and 1961, as under the provisions of section 9, subsection (d)(1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195, 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified.

APPROVAL OF CONTRACT WITH THE CONEJOS WATER CONSERVANCY DISTRICT, COLORADO

The bill (H.R. 6516) to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS IN SALT LAKE COUNTY, UTAH

The bill (H.R. 5270) to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a memorandum which shows that this bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 5270 authorizes the Secretary of the Interior to convey to the metropolitan water district of Salt Lake City, Utah, all right, title, and interest of the United States in a 7.7-acre tract of land which was originally donated by the district to the Federal Government for use in connection with construction of the Aqueduct Division of the Provo River Federal reclamation project.

The Federal Government later decided that it did not need the 7.7-acre tract of land in connection with the project. Since the land is not to be used for the specific purpose intended the metropolitan water district desires to have the tract reconveyed to it so that it can use it as an administrative headquarters site for the operation of the project.

The Department of the Interior and the Bureau of the Budget favor the enactment of this bill.

H.R. 5270 is in conformity with the Morse formula because it seeks to carry out the intention underlying the original conveyance by the water district to the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 5270) was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LANDS FOR THE GEOLOGICAL SURVEY

The bill (H.R. 4483) to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 366), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey" was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF BICYCLE TIRES AND TUBES FROM THE MANUFACTURER'S EXCISE TAX

The bill (H.R. 8318) to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture of new bicycles from the manufacturer's excise tax on tires and tubes was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of House bill 8318, which has just been passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House Bill 8318 relates to the excise tax on bicycle tires and tubes. Under present law, a tax of 5 cents a pound applies to bicycle tires and a tax of 9 cents a pound applies to inner tubes. These taxes apply to sales of tires and tubes by the manufacturers, producers or importers. Bicycle tires and tubes (whether manufactured here or imported) are subject to tax when sold in the United States to bicycle manufacturers or others for mounting on new bicycles. Similarly, they are subject to tax if the tire and tube manufacturer himself mounts a tire and tube on a bicycle, since such use is deemed to be a sale. However, in the case of bicycle tires and tubes mounted on bicycles outside the United States, where the bicycles are sold in the United States no U.S. excise tax is paid on the bicycle tires and tubes.

The House bill, approved without change by your committee, eliminates this discrimination by providing an exemption for bicycle tires and tubes sold for use in the manufacture, or production of new bicycles, or used by the tire and tube manufacturer for this purpose. The taxes will continue to apply, however, to tires and tubes sold, or used, as replacements.

The changes made by this bill are to be effective the first day of the first month beginning more than 10 days after the date of enactment of this bill.

BILL PASSED OVER

The bill (H.R. 4251) to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures, was announced as next in order.

Mr. BARTLETT. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The bill will be passed over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of H.R. 2451, which has just been passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House bill 4251 relates to the limitation on deduction of exploration expenditures.

Under present law an annual exploration expenditure deduction of up to \$100,000 is allowed for no more than 4 years. Exploration expenditure deductions may be taken for expenditures made in exploring for ore or mineral deposits (but not for oil or gas).

This exploration expenditure deduction was added by the Revenue Act of 1951. The Finance Committee report indicates that the limitation was provided because of the desire to provide a "special incentive for increased exploration for mineral deposits * * * especially in the case of taxpayers with limited financial resources."

In actual operation, however, this provision has tended to discriminate against smaller producers. This results from the fact that although a taxpayer may claim deductions of up to \$100,000 in any one year, he may not take such deductions for more than 4 years. Thus, a relatively large producer may obtain the full benefit of these deduc-

tions by claiming \$100,000 in each of 4 years. However, a smaller producer whose annual exploration expenditures do not amount to as much as \$100,000 will lose part of the benefit.

Your committee has approved the House bill without change. It removes the 4-year limitation, and provides an overall ceiling of \$400,000 with an annual limitation on the deduction of \$100,000. No taxpayer will be able to claim exploration expenditure deductions in excess of \$100,000 for any year, but if his exploration expenditures are less than \$100,000 per year, he will be able to deduct them over a longer period than 4 years so long as his total exploration expenditure deductions do not exceed \$400,000.

This bill applies to taxable years beginning after the date of enactment.

TRANSPORTATION OF CANADIAN VESSELS BETWEEN HYDER, ALASKA, AND OTHER POINTS IN ALASKA

The bill (S. 2773) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in Alaska was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that the Senate now proceed to the consideration of Calendar No. 1239.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 9599) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2773 will be indefinitely postponed.

TRANSFER OF THE DEVELOPMENT OPERATIONS DIVISION OF THE ARMY BALLISTIC MISSILE AGENCY

The joint resolution (H.J. Res. 567) to effect immediately the transfer of the Development Operations Division of the Army Ballistic Missile Agency to the National Aeronautics and Space Administration, was announced as next in order.

Mr. BARTLETT. Mr. President, on January 14, the President submitted to Congress a proposal designed to transfer the Army Ballistic Missile Agency's Development Operations Division—the Von Braun team—to the National Aeronautics and Space Administration. This proposal was submitted in accordance with provisions of the Space Act of 1958, which requires that any such transfer will become effective 60 days after its submission to Congress, unless Congress adopts a concurrent resolution opposing the transfer.

The House passed House Joint Resolution 567, designed to waive the 60-day waiting period.

The Senate Space Committee took testimony and reported a similar resolution.

Regardless of the resolution, the President received authority to make the transfer when the 60-day waiting period was up. Inasmuch as the original proposal was made on the 14th of January, the 60 days had elapsed by about the 14th of March. In view of the fact that the Senate had not acted, the resolution is no longer germane.

Therefore, Mr. President, I ask that House Joint Resolution 567 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

HOSPITALIZATION OF CERTAIN NATIONALS AT ST. ELIZABETHS HOSPITAL

The bill (S. 2331) to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act, except as the context may otherwise require—

(a) The term "Department" means the Department of Health, Education, and Welfare.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

SEC. 2. (a) Upon request of the Secretary of State, the Secretary of Health, Education, and Welfare is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country, and to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this Act. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other

public or nonprofit agencies. Such arrangements shall be made without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

SEC. 3. If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 2 or 4), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

SEC. 4. (a) Until the transfer and release of an eligible person pursuant to section 3, the Secretary is authorized to provide care and treatment for such person at Saint Elizabeths Hospital, at any other Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 3709 of the Revised Statutes, as amended) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 2. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

SEC. 5. (a) Any person admitted to any hospital pursuant to section 2 or section 4 shall, as soon as practicable, but in no event more than 5 days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every 6 months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Whenever any person is admitted to a hospital pursuant to this Act, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

86TH CONGRESS
2D SESSION

S. 68

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1960

Referred to the Committee on Interior and Insular Affairs

AN ACT

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where the death of a husband or wife causes lands in
4 private ownership to become excess lands, as that term is
5 used in section 46 of the Act of May 25, 1926 (44 Stat.
6 636; 43 U.S.C. 423e), and those lands had theretofore been
7 eligible to receive water from a project under the Federal
8 reclamation laws (Act of June 17, 1902 (32 Stat. 388), and
9 Acts amendatory thereto) without execution of a recordable
10 contract under section 46 of said Act of May 25, 1926, the

1 Secretary of the Interior is authorized to furnish water to
2 them, without requiring execution of such a contract, so long
3 as they remain in the ownership of the surviving spouse:
4 *Provided*, That in the event of the remarriage of the surviv-
5 ing spouse, such lands shall be governed by applicable law
6 without regard to the provisions of this Act.

Passed the Senate March 28, 1960.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

MARCH 29, 1960

Referred to the Committee on Interior and Insular
Affairs

June 29, 1960

24. DEFENSE DEPARTMENT APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11998 (H. Rept. 2040). pp. 13891-3
25. GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11389 (H. Rept. 2039). pp. 13893-4
26. RYUKYU ISLANDS. Concurred in Senate amendments to H. R. 1157, providing for the economic and social development in the Ryukyu Islands (p. 13896). This bill will now be sent to the President.
27. FOREIGN AFFAIRS. Passed, by a vote of 249 to 158, without amendment, H. R. 11001, to provide for the participation of the U. S. in the International Development Association. pp. 13896-7
28. PERSONNEL. Passed with amendments H. R. 12383, to amend the Federal Employees Compensation Act to make the benefits more realistic in terms of present wage rates. pp. 13921-5
29. VETERANS' BENEFITS. Passed, by a vote of 395 to 1, with amendment, H. R. 7903, to extend for 2 years the veterans' guaranteed and direct loan program. pp. 13925-32
Concurred in the Senate amendment to H. R. 5040, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (p. 13938). This bill will now be sent to the President.
30. LEGISLATIVE APPROPRIATION BILL, 1961. House conferees were appointed on amendments in disagreement on this bill, H. R. 12232 (pp. 13938-9). Senate conferees have been appointed.
31. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 68, to provide for the continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either. p. D636
32. TRANSPORTATION. Disagreed to Senate amendments to H. R. 11135, to aid in the development of a unified and integrated system of transportation for the National Capital Region, and conferees were appointed (p. 13940). Senate conferees have been appointed.
33. PROPERTY. The Government Operations Committee reported without amendment H. R. 1319, to amend the Surplus Property Act of 1944 so as to eliminate the requirement that property conveyed for historic-monument purposes under such section must have been acquired by the U. S. on or before Jan. 1, 1900 (H. Rept. 2032). p. 13969
34. LANDS. The Agriculture Committee reported with amendment H. R. 9732, to authorize the Secretary of Agriculture to convey certain property in Calif. to Trinity County (H. Rept. 2035). p. 13969
The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 10102, to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit. p. D636
35. EDUCATION. The Rules Committee reported a resolution for the consideration of H. R. 10876, to amend the law relating to the support and endowment of colleges of agriculture and mechanic arts to increase the authorized appropriations for resident teaching grants to land-grant institutions. p. 13969

36. FLOOD CONTROL. Conferees agreed to file a conference report on H. R. 7634, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, for navigation and flood control. p. D637
37. POSTAL RATES. Rep. Porter criticized Postmaster General Summerfield for "gross and intentional misrepresentations of the postal rate and deficit picture." pp. 13953-4
38. IMPORTS. Passed as reported H. R. 11573, to provide for the duty-free importation of two electron microscopes for education or research purposes. pp. 13948-9
Passed without amendment H. R. 9240, to authorize the informal entries of merchandise where the aggregate value of the shipment does not exceed \$400. pp. 13947-8
39. LEGISLATIVE PROGRAM. The "Daily Digest" states that the legislative program for today, June 30, will include the following: Private Calendar; conference reports on defense and general Government matters appropriation bills; minimum-wage increase bill, and Sugar Act extension bill. pp. D635-6

ITEMS IN APPENDIX

40. FOREIGN AFFAIRS. Speech in the House by Rep. McDowell during debate on the proposed bill to provide participation of the United States in the International Development Association. pp. A5637-8
41. FOOD FOR PEACE. Extension of remarks of Sen. Wiley inserting an article "reflecting the splendid way in which various programs have served to fulfill not only humanitarian needs but also to make friends for the United States." pp. A5642-3
42. FARM PROGRAM. Sen. Hruska inserted an article, "Farmers Ride Gravy Train -- But Everybody Else Gets the Gravy." pp. A5645-7

BILLS INTRODUCED

43. WHEAT. H. R. 12870, by Rep. Albert, to amend the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, with respect to market-adjustment and price-support programs for wheat; to Agriculture Committee.

BILLS APPROVED BY THE PRESIDENT

44. APPROPRIATIONS. H. R. 12117, Department of Agriculture and Farm Credit Administration appropriation bill for 1961. Approved June 29, 1960 (Public Law 86-532, 86th Congress).
H. J. Res. 765, to provide supplemental appropriations to the Department of Labor for unemployment compensation for veterans and Federal employees. Approved June 29, 1960. (Public Law 86-535, 86th Congress).
45. REPORTS. S. 899, to provide for the discontinuance of certain reports now required by law (including certain reports relating to foot-and-mouth disease, experiment stations, and extension work of this Department). Approved June 29, 1960 (Public Law 86-533, 86th Congress).

June 30, 1960

HOUSE

14. SUGAR. By a vote of 395 to 0, passed with amendment H. R. 12311, to amend and extend the Sugar Act. See Digest 121 for a summary of the provisions of the bill as passed. pp. 14150-71
15. GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961. Agreed to the conference report on this bill, H. R. 11389 (pp. 14109-10). As agreed to the bill provides \$165,000, instead of \$40,000 as recommended by the House and \$350,000 as recommended by the Senate, for the President for expenses in improving the management of Federal agencies.
16. LABOR STANDARDS. By a vote of 341 to 72, passed with amendment H. R. 12677, to amend the Fair Labor Standards Act of 1938 (pp. 14110-50). By a vote of 211 to 203, agreed to an amendment by Rep. Kitchin in the nature of a substitute for the language of the bill as reported, which includes provisions to raise the minimum wage level to \$1.15 an hour (instead of \$1.25 an hour as reported), and to amend the Act to include employees engaged in "the processing of shade-grown tobacco for use as cigar wrapper tobacco by agricultural employees employed in the growing and harvesting of such tobacco, which processing shall include, but shall not be limited to, drying, during, fermenting, bulking, rebulking, sorting, grading, aging, and baling, prior to the stemming process." (pp. 14141-9).
17. INDEPENDENT OFFICES APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11776 (H. Rept. 2063). pp. 14202-4
18. PERSONNEL; PAY. Received from the President his veto message on H. R. 9883, the Federal pay raise bill (H. Doc. 442). pp. 14108-9
19. DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1961. By a vote of 402 to 5, agreed to the conference report on this bill, H. R. 11998, and acted on the amendments in disagreement. pp. 14098-108
20. FOREST ROADS. Conferees were appointed on H. R. 10495, the road authorization bill, including appropriation authorizations for forest highways and forest roads and trails (p. 14108). Senate conferees have already been appointed.
21. MILITARY CONSTRUCTION APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 12231 (H. Rept. 2062). pp. 14201-2
22. FLOOD CONTROL. Received the conference report on H. R. 7634, the omnibus flood control and rivers and harbors bill (H. Rept. 2064). pp. 14204-11
23. HAWAII. Agreed to H. Con. Res. 706 authorizing corrections in the enrolled bill H. R. 11602, to amend certain laws of the U. S. in light of the admission of Hawaii into the Union. p. 14171
24. TRANSPORTATION. Received the conference report on H. R. 11135, to aid in the development of a coordinated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; etc (H. Rept. 2061). pp. 14171-5
25. LIVESTOCK. Rep. Thomson, Wyo., urged consideration of legislation to "provide protection for producers and feeders of livestock when they show that the increased import of meat or meat products causes or threatens serious injury to their industry." p. 14177

26. RECLAMATION. The Interior and Insular Affairs Committee reported without amendment S. 68, to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either (H. Rept. 2055). p. 14211

27. CONSERVATION. The Conservation and Credit Subcommittee of the Agriculture Committee voted to report to the full committee H. R. 12849, to protect farms and ranch operators making certain land use changes under the Great Plains conservation program and the soil bank program against loss of cropland acreage and acreage allotments. p. D643

28. WEEDS. The "Daily Digest" states that the Conservation and Credit Subcommittee of the Agriculture Committee "passed over without prejudice" S. 861, to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government." p. D643

ITEM IN APPENDIX

29. TEXTILE IMPORTS. Sen. Talmadge inserted an article criticizing a recent Tariff Commission decision regarding duties on textile imports which includes a statement by Sen. Thurmond that this "proves the imperative need of Congress to take action in the next session to regain control of its constitutional authority over our trade program." p. A5680

BILLS INTRODUCED

30. PERSONNEL. H. R. 12900, by Rep. Halpern, to amend the Civil Service Retirement Act to authorize the retirement of employees after 30 years of service without reduction in annuity; to Post Office and Civil Service Committee.

H. R. 12903, by Rep. Short, to adjust the rates of compensation of employees in the postal field service, to establish a temporary Commission on Federal Civilian Employees Compensation Policy; to Post Office and Civil Service Committee.

31. SCHOOL LUNCH. H. R. 12896, by Rep. Bailey, to amend the National School Lunch Act to provide for a more equitable distribution of the funds available under such act; to Education and Labor Committee.

32. MARKETING. S. 3787, by Sen. Holland, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to Agriculture and Forestry Committee.

33. FOREST ROADS. S. 3791, by Sen. Magnuson, to amend section 205 of title 23 of the United States Code to provide for the system of forest development roads and trails needed for the utilization and protection of lands administered by the Forest Service; to Public Works Committee. Remarks of author. p. 13991

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COMMITTEE HEARINGS ANNOUNCEMENTS:

July 1: Increased price supports for milk and butterfat, amendments to Public Law 480, protection of acreage allotments in Great Plains program, inclusion of administrative costs in crop insurance premiums, donation of dairy products for home economic courses, grading of grapes and plums for export, establishment of botanic garden in Hawaii, and miscellaneous land transfer bills, H. Agriculture (exec).

Road authorization bill, conferees (exec).

PROVIDING FOR CONTINUED DELIVERY OF WATER UNDER THE
FEDERAL RECLAMATION LAWS TO LANDS HELD BY HUSBAND
AND WIFE UPON THE DEATH OF EITHER

JUNE 30, 1960.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ROGERS of Texas, from the Committee on Interior and Insular
Affairs, submitted the following

R E P O R T

[To accompany S. 68]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 68) to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

H.R. 1777, a bill similar to S. 68, was introduced in the House by the Honorable Wayne N. Aspinall and considered by the committee.

PURPOSE

The purpose of S. 68 is to provide for continuing the delivery of water under the Federal reclamation laws, after the death of a husband or wife, to lands which, while both were living, were nonexcesslands. Delivery is to be made during the lifetime of the surviving spouse or until his or her remarriage. This will avoid the premature breaking up of what, in most instances, can be presumed to have been developed as a single irrigated farming operation. The bill does not provide for delivery of water to lands which were excess while husband or wife were both living and thus is inapplicable to lands then acquired by foreclosure, inheritance, devise, etc. Special provision was made by the act of July 11, 1956 (70 Stat. 524) for temporary deliveries in the latter situations.

COST

Enactment of S. 68 would involve no cost to the Federal Government.

EXPLANATION OF BILL

The reclamation laws limit the delivery of water to not more than 160 irrigable acres in a single ownership unless the owner agrees to sell the excess within a limited period at a price fixed by the Secretary of the Interior. A husband and wife can get delivery of water for 320 acres. At the present time, however, upon the death of either husband or wife, the surviving spouse can receive project water for the combined ownership temporarily during a 5-year period, even though the acreage over 160 is excess. If S. 68 is enacted, the surviving spouse will be permitted to receive project water for the same irrigable acreage that had been held by the husband and wife in a nonexcess status. The provisions of S. 68 will remain applicable to this land as long as the surviving spouse may live or until he or she remarries. This latter provision will avoid any possibility that remarriage might result in the pyramiding of holdings above the present 320-acre limitation.

COMMITTEE RECOMMENDATIONS

While S. 68 would be applicable in a relatively small number of cases, the committee believes it should be enacted to prevent undue hardship in those few cases. The death of husband or wife should not be the cause for the breaking up of a family farm. The Committee on Interior and Insular Affairs of the House of Representatives therefore recommends enactment of S. 68.

DEPARTMENT'S REPORT

The report of the Department of the Interior raising no objection to the enactment of this legislation follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1959.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: This responds to your request for the views of this Department on H.R. 1777, a bill to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

This Department would not object to the enactment of the bill if it is amended in the manner indicated herein

If H.R. 1777 is enacted, upon the death of either husband or wife, the surviving spouse would be permitted to retain in a nonexcess status and to receive reclamation project water for the same irrigable acreage that had heretofore been held by the husband and wife in a nonexcess status under the provisions of section 46 of the act of May 25, 1926 (44 Stat. 649), and been eligible to receive project irrigation water.

Under the provisions of the act of July 11, 1956 (70 Stat. 524), lands acquired by inheritance or devise are eligible to receive project water during a 5-year period, even though they would otherwise be excess lands under the provisions of said section 46 of the act of May

25, 1926. Thus, the effect of the enactment of H.R. 1777 would be to extend the provisions of the act of July 11, 1956, in those cases where lands may be acquired by a surviving spouse upon the death of a husband or wife.

It would seem that the provisions of H.R. 1777 would find application in a relatively small number of cases. There probably would be few instances where a surviving husband or wife would hold, for a period in excess of 5 years, more than 160 acres of reclamation project land which had been previously owned by both the husband and wife, because of the age of the surviving spouse, among other reasons. In view of these considerations, we believe there may be some merit in not requiring a breaking up of what most likely had been developed as a single farming operation in those cases to which the provisions of the bill would apply.

However, it is our view that, if legislation along the lines of H.R. 1777 is enacted, its provisions should not remain applicable if the surviving spouse should remarry. Existing reclamation law would then apply, under which normally the husband and wife could hold not to exceed 320 acres of irrigable land eligible to receive project water. Accordingly, we recommend that the bill be amended by substituting a colon for the period in line 3 on page 2 and adding the following: "*Provided, That in the event of the remarriage of the surviving spouse such lands shall be governed by applicable law without regard to the provisions of this Act.*"

The Bureau of the Budget has advised that there would be no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

○

Union Calendar No.909

86TH CONGRESS
2D SESSION

S. 68

[Report No. 2055]

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1960

Referred to the Committee on Interior and Insular Affairs

JUNE 30, 1960

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That where the death of a husband or wife causes lands in
4 private ownership to become excess lands, as that term is
5 used in section 46 of the Act of May 25, 1926 (44 Stat.
6 636; 43 U.S.C. 423e) , and those lands had theretofore been
7 eligible to receive water from a project under the Federal
8 reclamation laws (Act of June 17, 1902 (32 Stat. 388) , and
9 Acts amendatory thereto) without execution of a recordable
10 contract under section 46 of said Act of May 25, 1926, the

1 Secretary of the Interior is authorized to furnish water to
2 them, without requiring execution of such a contract, so long
3 as they remain in the ownership of the surviving spouse:
4 *Provided*, That in the event of the remarriage of the surviv-
5 ing spouse, such lands shall be governed by applicable law
6 without regard to the provisions of this Act.

Passed the Senate March 28, 1960.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

MARCH 29, 1960

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Affairs

JUNE 30, 1960

Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

Aug 23, 1960

9. PERSONNEL; FOREIGN AFFAIRS. ^{House and Senate} Conferees were appointed on S. 2633, to amend the Foreign Service Act of 1946 relating to Foreign Service staff officers and the Foreign Service retirement system. pp. 15957-63, 16094
10. HOUSING. Both Houses received from the President the annual report of the Housing and Home Finance Agency on housing activities. pp. 15923, 16040
11. TARIFFS; SMALL BUSINESS. Sen. Sparkman inserted a tabulation of escape clause applications before the Tariff Commission as of July 1, 1960. p. 16016
Sen. Randolph inserted a report from the Select Committee on Small Business "Impact of Imports on Small Business," including six recommendations "for softening the impact of imports on American industry." p. 16032
12. RESEARCH. Sen. Clark inserted a magazine article, "CBR Versus Man," discussing the possible serious effects of chemical, biological, and radiological warfare on man. pp. 16027-30

HOUSE

13. STATE-JUSTICE APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11666 (H. Report 2136). pp. 16038-9, 16166
14. LABOR STANDARDS. Rep. Johansen objected to a unanimous consent request to agree to the conference requested by the Senate on H. R. 12677, to amend the Fair Labor Standards Act to increase the minimum wage and to increase the coverage under the Act. p. 16039
15. FISH AND WILDLIFE. Passed without amendment S. 1781, to facilitate cooperation between the Federal Government, colleges and universities, the States, and private organizations for cooperative unit programs of research and education relating to fish and wildlife. This bill will now be sent to the President. p. 16040
Passed without amendment H. J. Res. 713, to authorize the use of surplus grain by the States for emergency use in feeding of resident game birds and other wildlife. pp. 16044-5
16. RECREATION. Passed without amendment H. R. 12539, to authorize the Army, with the consent of Congress, to acquire lands and to establish facilities necessary for recreation purposes in connection with reservoir projects constructed with Federal funds. pp. 16040-1
17. PERSONNEL. Passed without amendment H. R. 12336, to amend the Classification Act of 1949 with respect to the preservation of basic compensation in downgrading actions. p. 16045
18. TRANSPORTATION. Passed as reported S. 1806, to revise title 18, chapter 39, of the United States Code, dealing with the transportation of "Explosive and Combustibles." pp. 16042-4
19. RECLAMATION. Passed without amendment S. 68, to provide for continued delivery of water under Federal reclamation laws to lands held by husband and wife upon the death of either. This bill will now be sent to the President. p. 16052
Received from Interior a report that "an adequate soil survey and land classification of the lands in the LaFeria division, lower Rio Grande rehabilitation project, Tex., has been completed" to formulate "a definite plan for project rehabilitation." p. 16166

20. LANDS. Passed as reported H. R. 11957, to facilitate the selection by Alaska, pursuant to the act of July 7, 1958, of certain public lands under outstanding mineral lease or permit. p. 16047

Passed with amendment (in lieu of H.R. 10418) S. 2806, to revise the boundaries of the Coronado National Memorial, Ariz., and to authorize the repair and maintenance of an access road thereto. pp. 16047-9

The Agriculture Committee voted to report (but did not actually report) H. R. 12491, to convey certain lands of Fremont County, Wyo.; and S. 3759, authorizing the Secretary of Agriculture to convey certain lands to Auburn University, Auburn, Ala. pp. D703, D705

Passed as reported H. R. 11200, to authorize the Secretary of the Interior to sell reserved mineral interests of the U. S. in lands located in Fla. to the record owners of the surface thereof. pp. 16049-50

Passed as reported H. R. 9732, to authorize the Secretary of Agriculture to convey certain property to Trinity County, Calif. pp. 16050-2

Passed without amendment S. 3070, to provide for the removal of restriction on use with respect to certain lands in Morton County, N. Dak., conveyed to N. Dak. in 1955. This bill will now be sent to the President. p. 16055

Passed without amendment S. 2772, to authorize the Secretary of Agriculture to convey land in the town of Cascade, Colo. This bill will now be sent to the President. pp. 16055-6

The Public Lands Subcommittee of the Interior and Insular Affairs Committee voted to report the following bills: S. 2757 (amended), to permit any State to acquire certain public lands for recreational use; and S. 3267, to amend the act of Oct. 17, 1940, relating to the disposition of certain public lands in Alaska. p. D706

21. CLAIMS. Passed without amendment H. R. 9523, to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements. pp. 16053-4

Received from the President a supplemental appropriation estimate to pay various claims and judgments rendered against the U. S. (H.Doc. 452). p. 16166

22. GRAPES AND PLUMS. Passed without amendment S. 1857, to establish minimum standards on grapes and plums in foreign commerce. This bill will now be sent to the President. pp. 16054-5

23. ACREAGE ALLOTMENTS. Passed as reported H. R. 12849, to protect farm and ranch operators making certain land use changes under the Great Plains conservation program and the soil bank program against loss of cropland acreage and acreage allotments. p. 16055

24. HALL OF FAME. Agreed to Senate amendments to H. R. 5789, to incorporate the Agricultural Hall of Fame. This bill will now be sent to the President. p. 16151

25. MINERALS. Received the conference report on H. R. 10455, to amend the Mineral Leasing Act of Feb. 25, 1920 (H. Rept. 2135). pp. 16151-5

26. PASSED OVER the following bills:

H. R. 8074, to permit the assignment of agricultural attaches to duty in the U.S. for a maximum of four years without reduction in grade; (p. 16040)

H. R. 12419, to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; (p. 16040)

H. R. 6743, to provide for certain survivors' annuities in additional cases under the Civil Service Retirement Act of May 29, 1930. p. 16042

port No. 2035 of the Committee on Agriculture:

Discussions with county officials were begun in May 1933, concerning the acquisition of a Forest Service administrative site at Weaverville. Existing Forest Service facilities for supervisor's headquarters were inadequate to provide for the increased responsibilities the emergency programs of that period entailed. A new site was urgently needed. The county-owned tract in town was the only site suitable for the purpose because of size (12.36 acres), location and other factors. County officials readily agreed to a donation and cooperated in every respect. The donation was completed in 1934.

In the circumstances the exact needs of the United States and the county were not fully considered. In 1939 formal action was taken by the county board of supervisors for recognition of the situation. By resolution the board requested permits for its use of the land pending application to have title restored for the two parcels. These permits were issued.

Mr. FORD. The Federal Government is now giving back to the county land which the county previously had made available to the Federal Government; is that correct?

Mr. JOHNSON of California. Yes; about a half acre of land, two small parcels divided by the highway.

Mr. THOMSON of Wyoming. Mr. Speaker, further reserving the right to object, can the gentleman from California tell me what was the purpose for which the Federal Government desired this land?

Mr. JOHNSON of California. The Federal Government desired this land to locate a Forest Service headquarters.

Mr. THOMSON of Wyoming. Did the Government build this headquarters?

Mr. JOHNSON of California. Yes; the headquarters are on the parcel of land.

Mr. THOMSON of Wyoming. The Government Operations Committee of this body, assuming other bills are referred, has a policy that if the Federal Government performs its part of the bargain by building the facility, then the land, even though donated in the first instance, cannot be returned without consideration. It seems to me that in this particular instance I find it impossible to differentiate between this case and the case in Cheyenne, Wyo., within my district, where land was donated for a veterans hospital. There is excess land, but since the veterans hospital has already been built, they say we cannot have it without paying full consideration. Can the gentleman distinguish this case from that case?

Mr. JOHNSON of California. This is a very small parcel of land. As I say, it is separated by the highway from the Forest Service holdings. The Forest Service has no use for it whatever. There was complete agreement between the county and the Forest Service and the Secretary of Agriculture on the deeding of the 12 acres to the Forest Service without consideration by the county, and now the Forest Service is of the opinion that they should deed this small parcel back to the county of Trinity. Trinity County is practically all owned by the Federal Government at the present time.

The townsite has no place to go. They are only asking for this small area to locate a firehouse and for parking purposes and street purposes.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield to the gentleman from Colorado.

Mr. ASPINALL. I would like to say to my colleague that to a certain extent his enunciation of policy is correct. However, during the consideration of this particular Consent Calendar we have given our official approval to another bill which has the same principle involved as this one, where land was transferred to the Federal Government. Land is to be returned, under the bill to which I have just made reference, to the State for park operations. That is the same thing that is involved here. Here is a public purpose. It seems to me in these exceptional cases we should not pay too close attention to a hard and fast rule. High values are not under consideration in this instance. The Federal Government paid nothing at all for this property. It is of practically no value except for the value that this little town of Trinity wishes to make use of.

Mr. THOMSON of Wyoming. Can the Consent Calendar be called again?

Mr. ASPINALL. I cannot speak for the House leadership, but I doubt very much whether it can. It seems to me that this bill has been argued sufficiently and the principle well enunciated, with notice given to what I consider a valid and desired exception to any hard and fast rule of policy.

Mr. JOHNSON of California. I might say in this case had they known where this highway was going, the land would never have been deeded to the Government. Due to the highway, they split that little corner into two parcels. The Government has no use for it whatever, and the fire district and the townsite of Trinity need this property.

Mr. THOMSON of Wyoming. Of course, I recognize the circumstances involved, and this being a small parcel, I am not going to object. But, I serve notice now that I am going to object to any other bill of this nature until we get these committees working together with the Government Operations Committee of this body and adopt the same criteria in considering bills brought before it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, without consideration, to the county of Trinity, State of California, all the right, title, and interest of the United States in and to the following described lands, which were conveyed to the United States by deed dated April 28, 1934, and recorded in book 53, page 186, in the records of the county of Trinity, California:

Parcel A: All the fractional portion of lot numbered 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, described as:

All that portion of said lot numbered 2 lying northeasterly of a line parallel to and

50 feet northeasterly of the centerline of State highway, and is more particularly described as beginning at a point on the southeast boundary of said lot numbered 2, north 31 degrees 43 minutes east, 50.44 feet from the centerline of State highway at engineers' station 806+89.71, said station being a point south 31 degrees 43 minutes east, 92.14 feet from the easterly corner of said lot numbered 2, thence from the point of beginning first north 31 degrees 43 minutes east 41.70 feet to the easterly corner of said lot 2; second north 70 degrees 02 minutes west, 122.69 feet on the boundary of said lot 2; third north 62 degrees 33 minutes west, 26.54 feet on the boundary of said lot 2; fourth from a tangent bearing south 54 degrees 47 minutes 21 seconds east along a 1,900-foot radius curve to the right through a central angle of 4 degrees 26 minutes 42 seconds a distance of 147.34 feet to the point of beginning. Excepting that portion of the above described parcel that part within the boundary of the following described parcel which was conveyed by a deed dated September 26, 1895, and recorded November 6, 1895, in Book 23 of Deeds at page 260; that portion of lot numbered 2 of block numbered 13 of the townsite of the town of Weaverville particularly described as follows to-wit: Commencing at a stake on the southeast corner of Garden Gulch Street and Union Street and running northwesterly 30 feet along Union Street to a stake; thence southwesterly 50 feet to a stake; thence 30 feet southeasterly to Garden Gulch Street to a stake; thence northeasterly 50 feet along Garden Gulch Street to the place of beginning and containing about .034 of an acre, more or less. Said parcel A containing about 0.034 acre.

Parcel B: All that portion of lots numbered 1 and 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, lying southwesterly of a line running parallel to and 50 feet southwesterly of the centerline of State highway and southeasterly of a line running north 41 degrees 40 minutes east to a point 50 feet southwesterly of the centerline of State highway and running south 41 degrees 40 minutes west, to the southerly boundary of said lot numbered 1 from a point which bears south 46 degrees 55 minutes east 148.28 feet from corner numbered 1 in the survey of lot numbered 47 in township 33 north, range 10 west, Mount Diablo base and meridian, which corner is also the 10th corner in the survey of the Weaverville Townsite; said portions of said lots being more particularly described as follows: Beginning at a 1-inch iron pipe set in the ground at a point south 46 degrees 55 minutes east 148.28 feet from corner numbered 1 in the survey of lot numbered 47 in township 33 north, range 10 west, Mount Diablo base and meridian; a 1-inch iron pipe set in the ground bears south 41 degrees 40 minutes west 146.13 feet; running thence, first north 41 degrees 40 minutes east 32.41 feet; second from a tangent that bears south 49 degrees 51 minutes 05 seconds east, on a curve to the right with a radius of 1,800 feet, through a central angle of 3 degrees 08 minutes 50 seconds, a distance of 98.72 feet to a point on the southeast boundary of lot 2 in block numbered 13 of the townsite of Weaverville, Trinity County, California, which point bears south 31 degrees 43 minutes west 50.47 feet from the centerline of State highway at engineers' station 806+89.71 P.O.C.; third south 31 degrees 43 minutes west 130.63 feet on the boundary of said block numbered 13 to the southeast corner of said lot numbered 1 in block numbered 13; fourth south 89 degrees 39 minutes west 154.00 feet on the boundary of said lot 1; fifth north 41 degrees 40 minutes east 191.71 feet to the point of beginning. Containing 0.462 acre, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF CONNECTICUT

The Clerk called the bill (S. 3053) for the relief of the State of Connecticut.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not so much concerned about the amount of money involved in this bill as the precedent which may be established. As I understand the situation, a National Guard pilot, while in flight, dropped an airplane wing fuel tank and it caused \$10,000 worth of damage to a house. The claim was for some \$19,000 and the settlement was for \$10,000 on the part of the State of Connecticut with the owner of the property.

Now comes the Federal Government to reimburse the State of Connecticut to the extent of \$10,000.

I find this statement in the report at the bottom of page 2:

Therefore, the State of Connecticut was asked by the National Guard Bureau to provide for the advanced training of Lieutenant Mancini at his Air National Guard home base. This was done, and while the training was in progress the accident in question occurred.

On page 3 of the report we find this statement:

Accordingly, since the Air Force reasonably could expect to obtain active Federal duty benefits from this training when Lieutenant Mancini became fully qualified as a pilot, the Department of the Air Force has no objection to the enactment of subject bill.

My question to someone from the Committee on the Judiciary is this. What kind of precedent are you setting here?

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes; I am happy to yield.

Mr. FORD. The question the gentleman asks is a very legitimate one. Personally I think from my investigation of the facts and circumstances in this case that this is a justifiable proposal. I refer the gentleman to H.R. 5435, which is Calendar No. 515, which would give to the National Guard broad authority to obligate the Federal Treasury for any torts committed by members of the National Guard, even when they are discharging solely and exclusively State militia responsibilities. I asked that that bill be passed over because this is a brandnew policy which I think should not be considered on the Consent Calendar under the unanimous consent procedure. However, I believe that the committee is right in the instant case, S. 3053, considering the case individually on its merits. For that reason, even though I objected to the previous bill, I think this bill is justifiable.

Mr. GROSS. Will the gentleman give me his opinion as to what kind of precedent this bill would establish?

Mr. FORD. I do not think this establishes a bad precedent inasmuch as this is a case where the Air National Guard asked the Connecticut Air National Guard authorities to give this man this additional training at their facility because the Air Force could not because of other problems conduct his training at a regular Air Force facility.

Mr. GROSS. The request was made by the National Guard Bureau to the State and acquiesced in by the State.

Mr. FORD. But the National Guard Bureau is a part of the Army, Navy, and Air Force or more properly the Department of Defense. This was a request from Federal authorities to the Connecticut Air National Guard to give this pilot this additional training.

Mr. GROSS. On the basis of the statements by the gentleman from Michigan, I am not going to object to the bill. I certainly hope it will not stand as a precedent in the future so that the Federal Government will pick up any claim for damages caused by someone solely military in the service of the State.

Mr. FORD. I agree with the gentleman from Iowa 100 percent. That is why I asked that the other bill be passed over without prejudice.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of Connecticut, the sum of \$10,000. The payment of such sum shall be in full satisfaction of all claims of the State of Connecticut against the United States for reimbursement of an amount paid by such State to certain persons as compensation for personal injuries and property losses which they sustained on September 24, 1957, when a wing fuel tank fell from a Connecticut Air National Guard F-94 jet aircraft while it was being operated by a United States Air Force Reserve officer on active duty: Provided, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DELIVERY OF WATER UNDER RECLAMATION LAWS

The Clerk called the bill (S. 68) to provide for continued delivery of water

under the Federal reclamation laws to lands held by husband and wife upon the death of either.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had therefore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: Provided, That, in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

The Clerk called the bill (H.R. 12458) to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employment of the Physically Handicapped Week", approved July 11, 1949, as amended (63 Stat. 409), is amended by striking out "\$225,000" and inserting in lieu thereof "\$300,000".

Mr. DANIELS. Mr. Speaker, the House is considering today what I deem to be a real significant measure in that increasing the authorization for the President's Committee on the Employment of the Physically Handicapped we are not simply providing money for just another committee but rather encouraging one of the most successful programs ever initiated by our Federal Government. I am happy to endorse H.R. 12458, the bill which I sponsored in this session of Congress and which was given consideration and approval by the House Education and Labor Committee, of which I am a member.

Begun in 1947 by the President of the United States, the President's Committee on Employment of the Physically Handicapped has grown to the point where there is hardly an American who has not seen a poster, a TV advertisement, or heard radio broadcasts urging the hiring of the handicapped.

We live in an era when we must utilize to the fullest the potential of all our citizens. Through the hiring of the

Public Law 86-684
86th Congress, S. 68
September 2, 1960

AN ACT

74 STAT. 732.

To provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.

Approved September 2, 1960.

